UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/52/601
19 November 1997

ORIGINAL: ENGLISH

Fifty-second session
Agenda item 72

REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY

Report of the First Committee

Rapporteur: Mr. Miloš KOTEREC (Slovakia)

I. INTRODUCTION

1. The item entitled:

"Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly:

"(a) United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific;

"(b) Regional confidence-building measures;

"(c) Convention on the Prohibition of the Use of Nuclear Weapons"

was included in the provisional agenda of the fifty-second session of the General Assembly in accordance with Assembly resolutions 51/46 B, C and D of 10 December 1996.

2. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 9 October 1997, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 62 to 82, which was held at the 3rd to 12th meetings, from 13 to 17 and from 20 to 24 October (see A/C.1/52/PV.3-12). Structured discussions of specific subjects on the adopted thematic approach were held at six informal meetings, from 27 to 31 October. Draft resolutions on the items

were considered at the 15th to 17th meetings, from 5 to 7 November (see A/C.1/52/PV.15-17); action was taken on them at the 18th to 24th meetings, from 10 to 14 and on 18 November (see A/C.1/52/PV.18-24).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on regional confidence-building measures (A/52/293);

(b) Report of the Secretary-General on the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (A/52/309 and Corr.1 and Add.1);

(c) Letter dated 6 June 1997 from the Permanent Representative of the Congo to the United Nations addressed to the Secretary-General (A/52/176-S/1997/442);

(d) Letter dated 7 August 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Gabon to the United Nations addressed to the Secretary-General, transmitting the report of the ninth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, held at Libreville from 7 to 11 July 1997 (A/52/283-S/1997/644);

(e) Letter dated 23 September 1997 from the Permanent Representative of the Marshall Islands to the United Nations addressed to the Secretary-General, transmitting the communiqué of the twenty-eighth South Pacific Forum, held at Rarotonga from 17 to 19 September 1997 (A/52/413);

(f) Letter dated 1 October 1997 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General, transmitting the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries to the fifty-second session of the General Assembly, held in New York on 25 September 1997 (A/52/447-S/1997/775);

(g) Letter dated 4 November 1997 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General (A/52/565).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.1/52/L.3

5. At the 17th meeting, on 7 November, the representative of Nepal, on behalf of Australia, Bangladesh, Fiji, Indonesia, Japan, Kyrgyzstan, the Lao People's Democratic Republic, Malaysia, the Marshall Islands, Mongolia, Myanmar, Nepal, New Zealand, the Republic of Korea, Solomon Islands, Sri Lanka, Thailand and Viet Nam, introduced a draft resolution entitled "United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific" (A/C.1/52/L.3).

Subsequently, Brunei Darussalam, Costa Rica, Pakistan and the Philippines joined in sponsoring the draft resolution.

6. At its 23rd meeting, on 14 November, the Committee adopted draft resolution A/C.1/52/L.3 without a vote (see para. 15, draft resolution A).

B. Draft resolution A/C.1/52/L.6

7. At the 16th meeting, on 6 November, the representative of Gabon, on behalf of the States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, introduced a draft resolution entitled "Regional confidence-building measures" (A/C.1/52/L.6).

8. The Committee had before it a statement of the programme budget implications of draft resolution A/C.1/52/L.6, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.1/52/L.50).

9. At its 22nd meeting, on 13 November, the Committee adopted draft resolution A/C.1/52/L.6 without a vote (see para. 15, draft resolution B).

C. Draft resolution A/C.1/52/L.15

10. At the 16th meeting, on 6 November, the representative of India, on behalf of Bangladesh, Bhutan, Bolivia, Botswana, Brunei Darussalam, Colombia, Cuba, the Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Ethiopia, Haiti, India, Indonesia, the Islamic Republic of Iran, Kenya, the Lao People's Democratic Republic, Lesotho, Malaysia, Mexico, Myanmar, Nepal, Nigeria, the Philippines, the Sudan and Viet Nam introduced a draft resolution entitled "Convention on the Prohibition of the Use of Nuclear Weapons" (A/C.1/52/L.15).

11. At its 18th meeting, on 10 November, the Committee adopted draft resolution A/C.1/52/L.15 by a recorded vote of 95 to 30, with 28 abstentions (see para. 15, draft resolution C). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan,

Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against: Albania, Andorra, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Croatia, Cyprus, Estonia, Georgia, Ireland, Israel, Japan, Kazakhstan, Kyrgyzstan, Liechtenstein, Malta, Marshall Islands, New Zealand, Republic of Korea, Republic of Moldova, Russian Federation, San Marino, Solomon Islands, Sweden, Turkmenistan, Ukraine, Uzbekistan.

D. Draft resolution A/C.1/52/L.16

12. At the 17th meeting, on 7 November, the representative of Mexico, on behalf of Colombia, Indonesia, Mexico, Pakistan and Peru, introduced a draft resolution entitled "United Nations Disarmament Information Programme" (A/C.1/52/L.16). Subsequently, Argentina, Costa Rica, Ecuador and Myanmar joined in sponsoring the draft resolution.

13. At the 21st meeting, on 12 November, the representative of Mexico, on behalf of the sponsors, orally revised the fourth preambular paragraph by deleting the words "with concern" after the word "Noting".

14. At the same meeting, the Committee adopted draft resolution A/C.1/52/L.16, as orally revised, without a vote (see para. 15, draft resolution D).

III. RECOMMENDATIONS OF THE FIRST COMMITTEE

15. The First Committee recommends to the General Assembly the adoption of the following draft resolutions:

Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly

A

United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific

The General Assembly,

Recalling its resolutions 42/39 D of 30 November 1987 and 44/117 F of 15 September 1989, by which it established and renamed the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, with headquarters at Kathmandu and with the mandate of providing, on request, substantive support for the initiatives and other activities mutually agreed upon by the Member States of the Asia-Pacific region for the implementation of measures for peace and disarmament, through appropriate utilization of available resources,

Welcoming the report of the Secretary-General,[1] in which he expresses his belief that the mandate of the Regional Centre remains valid and that the Centre could be a useful instrument for fostering a climate of cooperation in the post-cold-war era,

Commending the useful activities carried out by the Regional Centre in encouraging regional and subregional dialogue for the enhancement of openness, transparency and confidence-building, as well as the promotion of disarmament and security through the organization of regional meetings, which has come to be widely known within the Asia-Pacific region as the "Kathmandu process",

Noting that trends in the post-cold-war era have emphasized the function of the Regional Centre in assisting Member States as they deal with new security concerns and disarmament issues emerging in the region,

Recognizing the need for the Regional Centre to pursue effectively its expanded function,

Expressing its appreciation to the Regional Centre for its organization of substantive regional meetings at Kathmandu and at Sapporo, Japan, in 1997,

Appreciating highly the important role Nepal has played as the host nation of the headquarters of the Regional Centre,

1. Reaffirms its resolution 50/71 D of 12 December 1995, in particular its strong support for the continued operation and further strengthening of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific as an essential promoter of the regional peace and disarmament dialogue in the Asia-Pacific region known as the "Kathmandu process";

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[1] A/52/309 and Corr.1.

2. Welcomes the fact that 1998 will mark the tenth anniversary of the Kathmandu process;

3. Expresses its appreciation for the continued political support and financial contribution received by the Regional Centre;

4. Appeals to Member States, in particular those within the Asia-Pacific region, as well as to international governmental and non-governmental organizations and foundations, to make voluntary contributions so as to strengthen the programme of activities of the Regional Centre and its implementation;

5. Requests the Secretary-General to provide all necessary support, within existing resources, to the Regional Centre in carrying out its programme of activities;

6. Also requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution;

7. Decides to include in the provisional agenda of its fifty-third session the item entitled "United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific".

B

Regional confidence-building measures

The General Assembly,

Recalling the purposes and principles of the United Nations and its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations,

Bearing in mind the guidelines for general and complete disarmament adopted at its tenth special session, the first special session devoted to disarmament,

Recalling its resolutions 43/78 H and 43/85 of 7 December 1988, 44/21 of 15 November 1989, 45/58 M of 4 December 1990, 46/37 B of 6 December 1991, 47/53 F of 15 December 1992, 48/76 A of 16 December 1993, 49/76 C of 15 December 1994, 50/71 B of 12 December 1995 and 51/46 C of 10 December 1996,

Considering the importance and effectiveness of confidence-building measures taken at the initiative and with the participation of all States concerned and taking into account the specific characteristics of each region, since such measures can contribute to regional disarmament and to international security, in accordance with the principles of the Charter,

Convinced that the resources released by disarmament, including regional disarmament, can be devoted to economic and social development and to the protection of the environment for the benefit of all peoples, in particular those of the developing countries,

Convinced also that development can be achieved only in a climate of peace, security and mutual confidence both within and among States,

Bearing in mind the establishment by the Secretary-General on 28 May 1992 of the United Nations Standing Advisory Committee on Security Questions in Central Africa, the purpose of which is to encourage arms limitation, disarmament, non-proliferation and development in the subregion,

Recalling the Brazzaville Declaration on Cooperation for Peace and Security in Central Africa,[2]

1. Takes note of the report of the Secretary-General on regional confidence-building measures,[3] which deals with the activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa in the period since the adoption by the General Assembly of resolution 51/46 C;

2. Reaffirms its support for efforts aimed at promoting confidence-building measures at regional and subregional levels in order to ease tensions and conflicts in the subregion and to further disarmament, non-proliferation and the peaceful settlement of disputes in Central Africa;

3. Also reaffirms its support for the programme of work of the Standing Advisory Committee adopted at the organizational meeting of the Committee held at Yaoundé in July 1992;

4. Invites the States members of the Standing Advisory Committee that have not yet signed the Non-Aggression Pact to do so, and encourages all member States to expedite ratification, being convinced that the entry into force of the Pact will effectively contribute to the prevention of conflicts in the Central African subregion;

5. Welcomes with satisfaction the programmes and activities of the Standing Advisory Committee for the period 1997-1998, adopted by the member States during the ninth ministerial meeting held at Libreville from 7 to 11 July 1997,[4] which are designed to:

(a) Set up and render operational at the earliest opportunity and on the basis of voluntary contributions an early warning system for Central Africa;

(b) Launch programmes designed to retrain demobilized soldiers and prepare them for reintegration into civilian life;

(c) Combat the illegal circulation of weapons and drugs in the subregion;

(d) Organize training seminars so as to strengthen the capacity of the Central African States to participate more actively in peacekeeping operations

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[2] A/50/474, annex I.

[3] A/52/293.

[4] A/52/283-S/1997/644, annex.

organized under the auspices of the United Nations and the Organization of African Unity;

(e) Organize joint military exercises to simulate the conduct of standard peacekeeping operations;

(f) Organize, for members of the armed forces and security forces of the Central African States, seminars and awareness programmes relating to the conduct of public affairs, the rule of law and respect for human rights;

(g) Hold a subregional conference on the topic "Democratic institutions and peace in Central Africa";

(h) Revert to the holding of two annual meetings of the Standing Advisory Committee at the ministerial level in order to further consultations among the Member States;

6. Expresses its conviction that the full implementation of those measures and activities will contribute to the promotion of confidence among the Member States, the establishment of democracy and good governance and the consolidation of peace in the Central African subregion;

7. Welcomes the participation, at the invitation of the Government of Gabon, of representatives of the States permanent members of the Security Council in the ninth ministerial meeting of the Standing Advisory Committee and invites the Secretary-General to facilitate the pursuit of this type of dialogue, which is likely to strengthen cooperation between the Council and the countries concerned with a view to contributing to the peaceful settlement of conflicts in Central Africa, whenever the States members of the Committee so request;

8. Thanks the Secretary-General for having established the Trust Fund for the United Nations Standing Advisory Committee on Security Questions in Central Africa;

9. Appeals to Member States and to governmental and non-governmental organizations to make additional voluntary contributions to the Trust Fund for the implementation of the programme of work of the Standing Advisory Committee, in particular the measures and objectives referred to in paragraph 5 of the present resolution;

10. Requests the Secretary-General to continue to provide assistance to the States members of the Standing Advisory Committee to ensure that they are able to carry on with their efforts, being convinced that effective cooperation between the international community and the countries of the subregion can stimulate the search for peaceful solutions to the crises and conflicts that occur in the subregion;

11. Also requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution;

12. Decides to include in the provisional agenda of its fifty-third session an item entitled "Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa".

C

Convention on the Prohibition of the Use of Nuclear Weapons

The General Assembly,

Convinced that the use of nuclear weapons poses the most serious threat to the survival of mankind,

Bearing in mind the advisory opinion of the International Court of Justice of 8 July 1996 on the Legality of the Threat or Use of Nuclear Weapons,[5]

Convinced that a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons would contribute to the elimination of the nuclear threat and to the climate for negotiations leading to the ultimate elimination of nuclear weapons, thereby strengthening international peace and security,

Conscious that some steps taken by the Russian Federation and the United States of America towards a reduction of their nuclear weapons and the improvement in the international climate can contribute towards the goal of the complete elimination of nuclear weapons,

Recalling that, in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly,[6] it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that any use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Determined to achieve a universal nuclear weapons convention prohibiting the development, production, stockpiling and use of nuclear weapons, leading to their ultimate destruction,

Stressing that an international convention on the prohibition of the use of nuclear weapons would be an important step in a phased programme towards the complete elimination of nuclear weapons within a time-bound framework,

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[5] A/51/218, annex.

[6] Resolution S-10/2.

Noting with regret that the Conference on Disarmament, during its 1997 session, was unable to undertake negotiations on this subject as called for in General Assembly resolution 51/46 D of 10 December 1996,

1. Reiterates its request to the Conference on Disarmament to commence negotiations, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a possible basis the draft Convention on the Prohibition of the Use of Nuclear Weapons contained in the annex to the present resolution;

2. Requests the Conference on Disarmament to report to the General Assembly on the results of those negotiations.

ANNEX

Draft Convention on the Prohibition of the Use of Nuclear Weapons

The States Parties to the present Convention,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

Convinced that any use of nuclear weapons constitutes a violation of the Charter of the United Nations and a crime against humanity,

Desiring to achieve a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons,

Bearing in mind the advisory opinion of the International Court of Justice that there exists an obligation of all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

Determined, therefore, to achieve a universal nuclear weapons convention prohibiting the development, production, stockpiling and use of nuclear weapons, leading to their ultimate destruction,

Convinced that the present Convention would be an important step in a phased programme towards the complete elimination of nuclear weapons within a time-bound framework,

Determined to continue negotiations for the achievement of this goal,

Have agreed as follows:

Article 1

The States Parties to the present Convention solemnly undertake not to use or threaten to use nuclear weapons under any circumstances.

Article 2

This Convention shall be of unlimited duration.

Article 3

1. The present Convention shall be open to all States for signature. Any State that does not sign the Convention before its entry into force in accordance with paragraph 3 of the present article may accede to it at any time.

2. The present Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The present Convention shall enter into force on the deposit of instruments of ratification by twenty-five Governments, including the Governments of the five nuclear-weapon States, in accordance with paragraph 2 of the present article.

4. For States whose instruments of ratification or accession are deposited after the entry into force of the Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of this Convention, as well as of the receipt of other notices.

6. The present Convention shall be registered by the depositary in accordance with Article 102 of the Charter of the United Nations.

Article 4

The present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed the present Convention, opened for signature at _____ on the _____ day of _____ one thousand nine hundred and _____.

D

United Nations Disarmament Information Programme

The General Assembly,

Recalling its decision taken in 1982 at its twelfth special session, the second special session devoted to disarmament, by which the World Disarmament Campaign was launched,[7]

Recalling also its resolution 51/46 A of 10 December 1996,

Stressing the importance of informing, educating and generating public understanding of the importance of and support for multilateral action, including action by the United Nations and the Conference on Disarmament, in the field of arms limitation and disarmament, in a factual, balanced and objective manner,

Noting the delay in the publication of the 1996 United Nations Disarmament Yearbook,

1. Expresses its concern at the continuing decrease in contributions to the United Nations Disarmament Information Programme;

2. Invites the Secretary-General to continue to support the timely publication and distribution of the United Nations Disarmament Yearbook.

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[7] See Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings, 1st meeting, paras. 110 and 111.